

BOARD OF REGISTERED NURSING
Diversion/Discipline
Agenda Item Summary

AGENDA ITEM: 9.1

DATE: February 20, 2009

ACTION REQUESTED: Information Only: Enforcement Program Update and Statistics

REQUESTED BY: Stacie Berumen, Enforcement Division Chief

BACKGROUND:

PROGRAM UPDATE: The Office of Administrative Law approved the emergency regulation change on November 24, 2008. The regulation authorizes the board to require licensees to submit fingerprints in order to conduct a state and federal criminal history record search as a condition of renewal. Licensees are also required to certify on the renewal form that they have complied with this requirement. Board staff members are in the process of adding the fingerprint question to the renewal form and to the website in preparation for licensees who will be renewing a license which expires on March 30, 2009.

The board is also authorized to ask licensees on the renewal form whether or not they have been convicted of a crime since the last time they renewed their license. Enforcement staff are in the process of entering this information into our computer systems and gathering data to better determine what types of violations have occurred as well as whether or not any type of disciplinary action will be taken against a licensee.

It is uncertain how many additional complaints will result by asking the conviction question and reviewing fingerprint rap sheets but it is anticipated that this could significantly increase the workload in Enforcement.

Board staff has submitted the regulation package to the Office of Administrative Law in order to comply with the standard rulemaking process which must be completed by May 26, 2009, in order to ensure that the regulation is legally in effect.

STATISTICS: Attached are the Enforcement Program statistics for the first half of the fiscal year (July through November 2008).

Early projections show that the number of complaints received could be the highest the board has ever received at 4,752 which is 2% higher than last year's record number of 3,900.

The number of citations issued so far this year has surpassed the number issued last year due to licensees who have not complied with their continuing education requirement for license renewal. Additionally, citations could increase for those renewal applicants who fail to disclose a conviction on their application; but their conviction does not rise to the level of pursuing disciplinary action.

We will continue to closely monitor all enforcement statistics as a result of implementing the board's new fingerprint and conviction question requirements.

NEXT STEP:

Continue to monitor statistics due to the projected increase in workload to gather data for a possible budget change proposal in FY 2010/11.

**FINANCIAL
IMPLICATIONS,
IF ANY:**

None at this time. We recently began implementing the conviction question on the renewal form and will begin implementing the fingerprint requirement in March 2009. Will provide updates at each DDC meeting for review and possible action.

PERSON TO CONTACT:

Stacie Berumen, Enforcement Division Chief
(916) 574-7608

CALIFORNIA BOARD OF REGISTERED NURSING
ENFORCEMENT STATISTICS
November 30, 2008

							Projected FY
DESCRIPTION	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09*	2008-09
Complaints Received	2,993	3,148	3,384	3,361	3,900	1,980	4,752
Referred to Diversion Program	225	256	311	367	332	162	389
Investigations Opened	1,132	2,401	2,312	1,917	2,754	1,229	2,950
Referred to Attorney General	391	331	562	314	436	193	463
Cases Pending at Attorney General	503	449	670	604	599	614	NA
Petitions to Revoke Probation Filed	30	21	36	44	74	17	41
Accusations Filed	338	216	270	336	404	139	334
Statements of Issues Filed	30	15	22	22	16	3	7
Total Pleadings	398	252	328	402	494	159	382
Orders to Compel Examination (Sec. 820)	8	11	7	5	6	2	5
Interim Suspension Order	3	4	2	3	1	0	0
Criminal Actions Filed	15	54	11	7	23	7	17
Licensee Disciplinary Actions:							
(a) Revocation	117	102	85	101	121	56	134
(b) Probation	149	137	110	120	131	69	166
(c) Suspension/Probation	2	0	3	6	10	2	5
(d) License Surrendered	49	49	36	67	73	29	70
(e) Public Reprimand/Reproval	12	5	8	9	3	2	5
(f) Decisions Other	0	6	2	3	1	2	5
Total, Licensee Discipline	329	299	244	306	339	160	384
Total Cite and Fine Citations Issued*	17	34	1	17	35	45	108
Applicant Disciplinary Actions:							
(a) License Denied	0	25	10	7	17	10	24
(b) License Issued on Probation	19	15	10	15	10	0	0
Total, Applicant Discipline	19	40	20	22	27	10	24
Process Used for Discipline (licensees)							
(a) Administrative Hearing	58	50	34	44	38	21	50
(b) Default Decision	82	73	63	76	101	49	118
(c) Stipulation	189	176	147	186	200	90	216
Total	329	299	244	306	339	160	384

*Fiscal Year to Date

BOARD OF REGISTERED NURSING
Diversion/Discipline
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AGENDA ITEM: 9.2
DATE: February 20, 2009

ACTION REQUESTED: Information Only: Diversion Program Update and Statistics

REQUESTED BY: Carol Stanford
Diversion/Probation Program Manager

BACKGROUND:

Program Update

SB 1441 was chaptered on September 28, 2008, that establishes the Substance Abuse Coordination Committee within the Department of Consumer Affairs. During November 2008, DCA Director Carrie Lopez met with the Executive Officers and Diversion Program Managers from the Boards and Committee that will participate in this newly created Committee. The attendees discussed the policy requirements necessary to assist in the development of specific uniform standards for managing substance-abusing licensees.

Contract Update

On December 3, 2008, DCA made the decision to not pursue the appeal of the pending Superior Court case regarding the intent to award the Diversion Program Contract. The Diversion Program Manager met with the legal and contract offices to determine the next steps that will be taken as all bids from the last RPF were rejected in the best interest of the State. It is anticipated that a new RPF will be developed and released later this year and the existing contract with Maximus will be extended for an additional 18 months.

Diversion Evaluation Committees (DEC)

There are currently six vacancies as follows: five physicians, and one registered nurse. Recruitment efforts continue.

Statistics

Attached is the Monthly Statistical Summary Report for September, October and November 2008. As of November 30, 2008, there were 1351 successful completions in the Diversion Program.

NEXT STEP: None

**FINANCIAL IMPLICATIONS,
IF ANY:** None

PERSON TO CONTACT: Carol Stanford, Diversion/Probation Program Manager
(916) 574-7616

**BOARD OF REGISTERED NURSING
DIVERSION PROGRAM
STATISTICAL SUMMARY
September, October and November 2008**

	CURRENT MONTHS	YEAR TO DATE (FY)	PROGRAM TO DATE
INTAKES COMPLETED	59	89	3,781
INTAKE INFORMATION			
Female	49	69	2990
Male	10	20	791
Average Age	40-44		
Most Common Worksite	Hospital		
Most Common Specialty	Medical/Surgical		
Most Common Substance Abused	Alcohol/Hydrocodone		
PRESENTING PROBLEM AT INTAKE			
Substance Abuse (only)	37	56	2,517
Mental Illness (only)	0	1	136
Dual Diagnosis	22	32	1099
Undetermined	0	0	0
REFERRAL TYPE*			
Self	17	33	2518
Board	42	56	1263
*May change after Intake			
ETHNICITY (IF KNOWN) AT INTAKE			
Asian	0	1	69
African American	0	0	117
Hispanic	1	1	125
Native American	1	1	24
Pacific Islander	0	1	10
Caucasian	57	85	3105
Other	0	0	56
Not Reported	0	0	275
CLOSURES			
Successful Completion	16	32	1351
Failure to Derive Benefit	1	2	98
Failure to Comply	6	12	870
Moved to Another State	0	0	54
Not Accepted by DEC	0	0	36
Voluntary Withdrawal Post-DEC	2	4	265
Voluntary Withdrawal Pre-DEC	5	9	378
Closed Public Risk	5	8	117
No Longer Eligible	0	0	8
Client Expired	1	1	32
TOTAL CLOSURES	36	68	3209
NUMBER OF PARTICIPANTS: 464 (as of December 1, 2008)			

BOARD OF REGISTERED NURSING
Diversion/Discipline
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AGENDA ITEM: 9.3
DATE: February 20, 2009

ACTION REQUESTED: Information Only: Probation Program Update and Statistics

REQUESTED BY: Carol Stanford
Diversion/Probation Program Manager

BACKGROUND:

Program Update

Kathy Bazil, a Probation Monitor (AGPA) who has worked for the Board of Registered Nursing for 10 years and for the State of California for over 25 years, retired December 29, 2008. Kathy spent the majority of her state career working to protect the consumers of California by working for the Board and the Division of Investigation. The Probation Program is losing its most senior staff member and a wealth of institutional knowledge. Kathy was an asset to both the Board and the Probation Program. She will be greatly missed by both board staff and her probationers. We wish her all the best as she begins her new and exciting journey into retired life! Interviews have been conducted for her vacant position and we hope to fill it within the next month.

Statistics

Below are the current statistics for the Probation Program through December 31, 2008.

MALE	120
FEMALE	347
CHEMICAL DEPENDENCY CASES	257
PRACTICE CASES	161
SOUTHERN CALIFORNIA	241
NORTHERN CALIFORNIA	226
PENDING AT THE AG	76
ADVANCED CERTIFICATES	35
REVOKED OR SURRENDERS (Jan. – Dec. 2008)	55
TOTAL IN-STATE PROBATIONERS	467

NEXT STEP: None

FINANCIAL IMPLICATIONS: None

PERSON TO CONTACT: Carol Stanford, Diversion/Probation Program Manager
(916) 574-7616

BOARD OF REGISTERED NURSING
Diversion/Discipline
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AGENDA ITEM: 9.4
DATE: February 20, 2009

ACTION REQUESTED: Approve/Not Approve: Diversion Evaluation Committee Member

REQUESTED BY: Carol Stanford, Diversion/Probation Program Manager

BACKGROUND:

In accordance with B & P Code Section 2770.2, the Board of Registered Nursing is responsible for appointing persons to serve on the Diversion Evaluation Committees. Each Committee for the Diversion Program is composed of three registered nurses, a physician and a public member with expertise in chemical dependency and/or mental health.

Diversion Evaluation Committee Member Appointment

<u>NAME</u>	<u>TITLE</u>	<u>DEC</u>	<u>NO</u>
Cathy Horowitz	Nurse	Sacramento	1

NEXT STEP: Continue recruiting efforts

**FINANCIAL
IMPLICATIONS:** None

PERSON TO CONTACT: Carol Stanford, Diversion/Probation Program Manager
(916) 574-7616



BOARD OF REGISTERED NURSING

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Ruth Ann Terry, MPH, RN
Executive Officer

DIVERSION EVALUATION COMMITTEE (DEC) APPLICATION

PLEASE PRINT OR TYPE

NAME:

Cathy Horowitz

ADDRESS:

102 Elke Dr.
American Canyon

PHONE:

1415-492-0818

Work

Home

(707) 643-0831

(707) 953-5868

Cell

E-MAIL:

cathyhorowitz@yahoo.com

()

Fax

Category for which you are applying:

*Nurse



*Physician



*Public Member



California License Number:

258939

*(California license must be active/current and in good standing)

Area(s) of Expertise:

Chemical Dependency



Mental Health



Attach a current resume. Please answer the following questions - use extra paper if necessary:

Explain why you are interested in becoming a DEC member:

I have had the honor of serving on a DEC since 1999.

Though I believe waiting a year prior to reapplying to serve on a DEC is appropriate, I greatly miss the opportunity to guide nurses through their recovery process.

There is no greater joy than a "successful completion", particularly with a nurse who entered the program with some resistance.

Describe your education or work experience with Chemical Dependency:

I have worked as a nurse within the field of recovery for 18 yrs. The majority of this employment was with the Marin County Jail and for the last 7 yrs I have worked solo w/ Helen Vane Detox Center. The vast majority of the clients I have worked with are "dually diagnosed" and the challenge to find placement in a treatment facility has been extremely rewarding.

I have also had the honor to facilitate two Nurse Support Groups for approx. 10 years.

Describe your education or work experience with Mental Health:

I believe that the population of inmates and now, "participants" are in great proportion "dually diagnosed". I have worked in partnership with the staff at Marin Community Mental Health to ensure proper assessment and treatment.

Explain your philosophical beliefs relative to the treatment of chemical dependency.

My belief relative to treatment of Chemical Dependency is consistent with "12 step" philosophy. In order to obtain optimum recovery one must be able to take direction from others and humble themselves to their humanity.

When appropriate, I will self disclose to another addict/alcoholic to share the joys I have seen ⁱⁿ ~~and~~ ^{my} recovery and the behavioral changes necessary to achieve such joys.

PLEASE INDICATE YOUR FIRST, SECOND AND THIRD DEC LOCATION PREFERENCE:

<u>1st.</u> <input checked="" type="checkbox"/> Sacramento	<input type="checkbox"/> Bay Area	<input type="checkbox"/> Los Angeles	<input type="checkbox"/> Orange County
<input type="checkbox"/> Fresno	<input checked="" type="checkbox"/> San Jose	<input type="checkbox"/> Burbank	<input checked="" type="checkbox"/> Palm Springs
<input type="checkbox"/> Ontario	<input type="checkbox"/> San Diego		

I HAVE READ AND UNDERSTAND THE RESPONSIBILITIES, TIME COMMITMENTS AND REIMBURSEMENT OF DIVERSION EVALUATION COMMITTEE MEMBERS.

Signature Cathy Horowitz

Date: 12/24/07

SUBMIT COMPLETED APPLICATION AND RESUME TO:

Diversion Program Manager
Board of Registered Nursing
P.O. Box 944210
Sacramento, CA 94244-2100

NORTHBAY RECOVERY

Cathy Horowitz, RH, PHN

License Numbers: 258939 / 23845

(707) 643-0831

(707) 953-5868

VITAE

- Bachelor of Science Degree, Nursing & Public Health
University of California, San Francisco (1975)
- Addiction Counselor, Private Practice – 7 Years
Intervention & Relapse Prevention Specialist
- Prison & Detention Nursing – 17 Years
State of California, Department of Correction
County of Marin Sheriff's Office
- Helen Vine Detox Center – 7 Years
Public Health Nurse, Chemical Dependency
Assessment, triage, case management, primary nursing specialist for
clinically identified addicts
- Board of Registered Nursing Appointments – 9 Years
Diversion Liaison Committee 1998 – 2007
Chairperson, Diversion Evaluation Committee, Sacramento
Diversion Evaluation Committee No. 1: 1998 – 2007
Expert Witness, State of California
Task Force Appointee-Pain Management Policy Development
Task Force Appointee-Pain Return To Work Policy Development
- Marin Services For Women -10 Years
Group Facilitator / Educator of Women's Health Issues with emphasis on
Addiction & Trauma Recovery
- Guest Lecturer
Marin Community Colleges, Kentfield, California
Napa Community College, Napa, California
Touro University, Vallejo, California
University of California, Dominican, San Rafael, California
Samuel Merritt School of Nursing, Oakland, California
California State University at Sonoma, Rohnert Park, California

BOARD OF REGISTERED NURSING
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AGENDA ITEM: 9.5
DATE: February 20, 2009

ACTION REQUESTED: Information Only: Diversion Evaluation Committee Member Resignation

REQUESTED BY: Carol Stanford, Diversion/Probation Program Manager

BACKGROUND:

Diversion Evaluation Committee Member Resignation

<u>NAME</u>	<u>TITLE</u>	<u>DEC</u>	<u>NO</u>
Bernardine Irwin	Nurse	Ontario	9

NEXT STEP: Continue recruiting efforts

**FINANCIAL
IMPLICATIONS,
IF ANY:** None

PERSON TO CONTACT: Carol Stanford, Diversion/Probation Program Manager
(916) 574-7616